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| <p>TRANSMITTAL FORM</p> <p><i>(to be used for all correspondence after initial filing)</i></p> | | Application Number | 10/006,879 |
| | | Filing Date | December 5, 2001 |
| | | First Named Inventor | Deshpande, Vijay A. |
| | | Art Unit | 1764 |
| | | Examiner Name | Ridley, Basia A. |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 00041-DV1 |

| ENCLOSURES (check all that apply) | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply (Election) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard |
| Remarks Should any fees be required, the Director is authorized to deduct said fees from Deposit Account No. 03-1620. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---------------------------|----------|--------|
| Firm | ChevronTexaco Corporation | | |
| Signature | | | |
| Printed Name | Frank C. Turner | | |
| Date | April 20, 2005 | Reg. No. | 39,863 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|--|-----------------|------|----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 703-872-9306) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature | | | |
| Typed or printed name | Frank C. Turner | Date | April 20, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Frank C. Turner, Reg. No. 39,863

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Deshpande, et al.

Serial No.: 10/006,879

Filed: December 5, 2001

For: FUEL PROCESSOR FOR
PRODUCING A HYDROGEN RICH
GAS

Confirmation No. 5127

Group Art Unit: 1764

Examiner: Ridley, Basia Anna

Attorney Docket No.: 00041-DV1

ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Election is responsive to the restriction requirement mailed March 25, 2005, for which a shortened statutory period for response of thirty (30) days was set, making this election due by April 25, 2005. This Election is believed to be timely filed and that no fees are due. In the event the Office determines that fees are due in association with the filing of this Election, the Office is hereby authorized to deduct said fees from Deposit Account No. 03-1620. Applicants' election with traverse begins on page 2.

The restriction mailed March 25, 2005 (the "Office Action"), alleged that the captioned application contains the following inventions, referred to herein as Inventions I-II.

- I. Claims 1-14, drawn to an apparatus classified in class 422, subclass 190; and
- II. Claims 15-28, drawn to a method classified in class 48, subclass 198.7.

Election With Traverse

Applicants hereby elect claims 1-14, identified by the Office as Invention I, for examination in the captioned application. Applicants' election is made with traverse for the reasons that follow.

Inventions I and II

It is alleged by the Office that Inventions I and II are related as process and apparatus for its practice, but are distinct because the apparatus can be used to practice another materially different process. Specifically, the Office Action states that,

"the apparatus as claimed can be used to practice another and materially different process, such as one which does not require the specific reaction conditions (e.g. water gas reaction conditions or selective oxidation reaction conditions, etc.)."

However, apparatus claim 1 recites among other elements "a water gas shift reactor including catalyst..." and "a selective oxidation reactor including a catalyst...." Although the Office Action asserts that the claimed apparatus might be used to practice a materially different process, given that the apparatus as claimed includes a water gas shift reactor and a selective oxidation reactor, Applicants question whether a mere change in the specific reaction conditions would produce a process that is "materially different" within the meaning of MPEP§806.05(e).

Furthermore, the language of the Office Action is unclear as to the identity of the materially different process that would result. To the extent that this restriction requirement is to be maintained, Applicants respectfully request that the examiner identify a materially different process that may be practiced with the claimed apparatus.

Inventions I and II are not distinct for the reasons cited by the Office. Reconsideration of the restriction requirement with regard to Inventions I and II is respectfully requested.

* * * * *

Applicants respectfully request reconsideration of the restriction requirement with respect to the Inventions I and II based on the traversal contained herein. This is believed to be a full and complete response to the outstanding Restriction mailed March 25, 2005. The present application is believed to be in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the captioned application is respectfully requested.

Respectfully submitted,



Frank C. Turner
Attorney for Applicants
Reg. No. 39,863

April 20, 2005
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